

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

In re:

PENNY D. GOUDELOCK,

Debtor(s).

Bankruptcy Case No. 11-12725-TWD

Adversary Case No.:

SIXTY-01 ASSOCIATION OF  
APARTMENT OWNERS,

Plaintiff,

v.

PENNY D. GOUDELOCK,

Defendant.

COMPLAINT TO DETERMINE  
NONDISCHARGEABILITY OF POST-  
PETITION CONDOMINIUM  
ASSESSMENTS

Plaintiff Sixty-01 Association of Apartment Owners ("Plaintiff" or "Association")  
alleges and complains the following against Defendant Penny D. Goudelock  
("Defendant" or "Debtor"):

**PARTIES**

1. Defendant is a resident of King County, Washington.
2. Plaintiff is a non-profit corporation organized in King County, Washington under RCW 64.32 and governed by provisions of RCW 64.34.

## JURISDICTION AND VENUE

3. This action is a core proceeding under 28 U.S.C. § 157(b)(2)(I) and brought before this court as an adversary proceeding pursuant to FRBP 7001(6).

4. This court has subject matter and personal jurisdiction over this action under 28 U.S.C. §§ 157(a) & 1334(b).

5. Venue is proper under 28 U.S.C. § 1409.

## STATEMENT OF FACTS

6. Defendant was a member of Sixty-01 Condominiums as the record owner of real property with the common address of 13954 NE 60<sup>th</sup> Way #101, Redmond, Washington 98052 (the "Property") from 2001 through February 20, 2015 when a lender held a judicial foreclosure without rights of redemption.

7. Said judicial foreclosure extinguished any lien rights Plaintiff held in the Property.

8. As a member of the community, Defendant was subject to the Declaration and Covenants, Conditions, Restrictions, and Reservations for Sixty-01, a Condominium (the "Declaration"), recorded under King County Recorder's number 7808300899, together with all amendments thereto.

9. Pursuant to applicable nonbankruptcy law, the Declaration is not a mere contract but constitutes a covenant running with the land.

10. The Property is located within Sixty-01 Condominiums, a community association operated by Plaintiff under the laws of the state of Washington. Among other responsibilities, Plaintiff is charged with the collection of assessments from each

1 owner for their share of the common expenses in accordance with their allocated  
2 percentage of ownership interest pursuant to RCW 64.32.200 and the Declaration.

3 11. The Declaration, other governing documents for Plaintiff, and RCW 64.34.364  
4 personally obligates each owner to pay assessments, late fees, interest, and  
5 attorneys' fees and costs incurred in connection with the collection of delinquent  
6 assessments.

7 12. Defendant's account has been delinquent since January, 2013 with a post-  
8 petition balance for unpaid assessments, late fees, interest, and attorneys' fees and  
9 costs totaling at least \$18,108.77 (the "Debt") as of April 1, 2015.

10 13. Attached hereto as Exhibit A is a ledger showing the balance of the Debt owed  
11 to Plaintiff as of April 1, 2015.

12 14. The Debt will increase as future interest and attorneys' fees and costs are  
13 assessed.

14 15. Defendant's confirmed plan in the underlying bankruptcy did not in any way  
15 address the post-petition delinquency, but only listed Plaintiff as a creditor entitled to  
16 stay relief upon confirmation with respect to the Property.

17  
18 **FIRST CAUSE OF ACTION**

19 12. Plaintiff alleges that any and all post-petition assessments, late fees, interests,  
20 and attorneys' fees and costs are not subject to discharge under any provision of the  
21 Bankruptcy Code.

22 13. As such, Plaintiff is entitled to an order determining nondischargeability and  
23 allowing Plaintiff to pursue its claims in state court.  
24

1 14. Plaintiff concedes that any pre-petition debt that may be owed to Plaintiff by  
2 Defendant is subject to discharge under 11 U.S.C. § 1328.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Plaintiff requests the following relief:

5 a. For an order determining that the Debt (in an amount to be determined by  
6 an appropriate state court) is nondischargeable under the Bankruptcy Code;

7 b. For an order declaring Plaintiff's right to immediately file suit against  
8 Defendant in an appropriate state court to obtain a personal judgment for the Debt; and

9 c. For other relief as this court deems just and equitable.  
10

11 Dated this 7<sup>th</sup> day of April, 2015.

CONDOMINIUM LAW GROUP, PLLC

13 /s/ Stephen M. Smith, WSBA #42021  
14 Stephen M. Smith, Attorney for Plaintiff  
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Association: Sixty-01 AAO  
 Unit Owner: Goudelock, Penny  
 Unit Number: #101

Charge Interest/Fee On: 11  
 ANNUAL Interest Rate: 12%  
 DAILY Interest Rate: 0.032877%  
 New Late Fee Date:

\$ 15.00	Late Fee 1
\$ 15.00	Late Fee 2
\$ 15.00	Late Fee 3
\$ 15.00	New Late Fee

DATE	ASSESSMENT	OTHER FEES	ATTORNEY FEES	LEGAL COSTS	PAYMENT	LATE CHRG	BALANCE	# Days Interest	Interest	Balance + interest	NOTES
1/1/13	\$410.22						\$410.22			\$410.22	
1/11/13						\$15.00	\$425.22	10.00	\$1.35	\$426.57	
2/1/13	\$410.22						\$835.44	21.00	\$2.94	\$839.72	
2/11/13						\$15.00	\$850.44	10.00	\$2.75	\$857.47	
3/1/13	\$410.22						\$1,260.66	18.00	\$5.03	\$1,272.72	
3/11/13						\$15.00	\$1,275.66	10.00	\$4.14	\$1,291.87	
4/1/13	\$410.22						\$1,685.88	21.00	\$8.81	\$1,710.90	
4/11/13						\$15.00	\$1,700.88	10.00	\$5.54	\$1,731.44	
5/1/13	\$410.22						\$2,111.10	20.00	\$11.18	\$2,152.84	
5/11/13						\$15.00	\$2,126.10	10.00	\$6.94	\$2,174.78	
6/1/13	\$410.22						\$2,536.32	21.00	\$14.68	\$2,599.68	
6/11/13						\$15.00	\$2,551.32	10.00	\$8.34	\$2,623.02	
7/1/13	\$410.22						\$2,961.54	20.00	\$16.78	\$3,050.02	
7/11/13						\$15.00	\$2,976.54	10.00	\$9.74	\$3,074.75	
8/1/13	\$410.22						\$3,386.76	21.00	\$20.55	\$3,505.52	
8/11/13						\$15.00	\$3,401.76	10.00	\$11.13	\$3,531.66	
9/1/13	\$410.22						\$3,811.98	21.00	\$23.49	\$3,965.36	
9/11/13						\$15.00	\$3,826.98	10.00	\$12.53	\$3,992.90	
10/1/13	\$410.22						\$4,237.20	20.00	\$25.16	\$4,428.28	
10/11/13						\$15.00	\$4,252.20	10.00	\$13.93	\$4,457.21	
11/1/13	\$410.22						\$4,662.42	21.00	\$29.36	\$4,896.79	
11/11/13						\$15.00	\$4,677.42	10.00	\$15.33	\$4,927.12	
12/1/13	\$410.22						\$5,087.64	20.00	\$30.76	\$5,368.09	
12/11/13						\$15.00	\$5,102.64	10.00	\$16.73	\$5,399.82	
1/1/14	\$410.22		\$348.75				\$5,861.61	21.00	\$35.23	\$6,194.02	
1/1/14	\$205.11						\$6,066.72			\$6,399.13	Special assessment for increased insurance premium 1 of 12
1/11/14						\$15.00	\$6,081.72	10.00	\$19.95	\$6,434.07	
1/29/14							\$6,081.72	18.00	\$35.99	\$6,470.06	
2/1/14	\$410.22		\$220.50				\$6,712.44	3.00	\$6.00	\$7,106.78	
2/1/14	\$205.11						\$6,917.55			\$7,311.89	Special assessment for increased insurance premium 2 of 12
2/11/14						\$15.00	\$6,932.55	10.00	\$22.74	\$7,349.63	
3/1/14	\$410.22		\$139.50				\$7,482.27	18.00	\$41.03	\$7,940.38	
3/1/14	\$205.11						\$7,687.38			\$8,145.49	Special assessment for increased insurance premium 3 of 12
3/11/14						\$15.00	\$7,702.38	10.00	\$25.27	\$8,185.76	
4/1/14	\$410.22		\$101.25				\$8,213.85	21.00	\$53.18	\$8,750.41	
4/1/14	\$205.11						\$8,418.96			\$8,955.52	Special assessment for increased insurance premium 4 of 12
4/11/14						\$15.00	\$8,433.96	10.00	\$27.68	\$8,998.20	
5/1/14	\$410.22		\$258.75				\$9,102.93	20.00	\$55.46	\$9,722.63	
5/1/14	\$205.11						\$9,308.04			\$9,927.74	Special assessment for increased insurance premium 5 of 12

Exhibit A

\$ 15.00	Late Fee 1
\$ 15.00	Late Fee 2
\$ 15.00	Late Fee 3
\$ 15.00	New Late Fee

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\$ 15.00	New Late Fee

DATE	ASSESSMENT	OTHER FEES	ATTORNEY FEES	LEGAL COSTS	PAYMENT	LATE CHRG	BALANCE	# Days Interest	Interest	Balance + interest	NOTES
							\$16,051.84			\$18,108.77	
							\$16,051.84			\$18,108.77	
							\$16,051.84			\$18,108.77	
							\$16,051.84			\$18,108.77	
							\$16,051.84			\$18,108.77	
							\$16,051.84			\$18,108.77	
							\$16,051.84			\$18,108.77	
							\$16,051.84			\$18,108.77	
							\$16,051.84			\$18,108.77	
							\$16,051.84			\$18,108.77	
							\$16,051.84			\$18,108.77	
							\$16,051.84			\$18,108.77	
							\$16,051.84			\$18,108.77	
TOTALS:	\$ 13,127.04	\$ -	\$ 2,464.80	\$ -	\$ -	\$ 460.00	(ABOVE)	820.00	\$2,056.93	(ABOVE)	
DATE	ASSESSMENT	OTHER FEES	ATTY FEES	LEGAL COSTS	PAYMENT	LATE CHRG	BALANCE	# Days Interest	Interest	Balance + interest	NOTES